

REMARKS

Amendments to the Claims

Claims 27-31, and 35-48 are currently pending with claims 27, 29 and 30 being independent. Claims 37-42 and 45-48 are currently withdrawn by the Examiner as directed to a non-elected invention. Applicant has amended Claims 28, 30 and 31 to correct typographical errors. No new matter has been added. The lone remaining ground for rejection is a double patenting rejection, all previous grounds of rejection having been withdrawn. Applicant submits that the amendments made herein and the remarks provided below do not present any new issues requiring more than a cursory review by the Examiner.

Election/Restriction

The Examiner withdrew claims 37-42 and 45-48, which were newly submitted in the Response filed May 20, 2010. The Examiner withdrew the claims on the basis that they were not directed to the elected species of biologically-active factors TNF-alpha and IL-12. *Office Action* at Page 2, Item 1. Applicant respectfully submits however, that Claims 37-42 and 45-48 are directed to targeting molecules for which no election of species requirement was made. In addition, claims 36 and 43, also newly added in the response filed May 20, 2010, and directed to targeting molecules, were not withdrawn by the Examiner. Therefore, Applicant's believe the withdrawing of claims 37-42 and 45-48 was in error and respectfully request they be rejoined.

Claim Rejections – Double Patenting

In the Office Action mailed August 5, 2010, the Examiner maintained the rejection of claims 27-31, 35, 36, 43, and 44 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 8-21 of U.S. Patent No. 6,274,552. Applicants file herewith a Terminal Disclaimer rendering the rejection moot. Accordingly, Applicants respectfully request the rejection be withdrawn

Response to Official Action mailed August 5, 2010
U.S. Patent Application No. 10/672,144
Tamarinkin et al.

No Waiver

All of Applicant's arguments and amendments are without prejudice or disclaimer. Applicant submits that the independent claims are allowable over the documents of record, as discussed above. Applicant has not acquiesced to any such rejection and reserves the right to address the patentability of any additional claim features in the future.

CONCLUSION

Applicant submits the foregoing as a full and complete response to the Official Action dated August 5, 2010. Applicant submits that the amendments made herein and the remarks provided above do not present any new issues for review by the Examiner. If any issues exist that can be resolved with an Examiner's Amendment or a telephone conference, please contact Applicant's undersigned agent at 404.665.3099.

No additional fees are believed due, however the Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment of fees to Deposit Account Number 50-5193.

Respectfully submitted,

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